
(2025) 04 J&K CK 0398
In the Jammu And Kashmir High Court
Case No : WP(C) No. 934 Of 2025

Sumit Singh

APPELLANT

Vs

UT of J&K and others

RESPONDENT

Date of Decision : 21-04-2025

Acts Referred:

Citation : (2025) 04 J&K CK 0398

Hon'ble Judges : Arun Palli, CJ;Rajnish Oswal, J

Bench : Division Bench

Advocate : Amit Kumar Sharma, Monika Kohli

Final Decision : Dismissed

Judgement

Arun Palli, CJ

1. The petitioner had filed a writ petition bearing No. 592/2011 in the year, 2011 for quashing the selection and appointment of private respondent Nos. 5 to 22 as Constable in Jammu and Kashmir, Executive Police (District Jammu) under the "Actual Line of Control" (ALC) category, pursuant to the Advertisement Notice No. Pers-A21/2010/14804-903 dated 07.04.2010. The petitioner had also sought a direction upon respondent Nos. 1 to 4 to consider the case of the petitioner for appointment to the post of Constable.

2. After the establishment of Central Administrative Tribunal, Bench Jammu (for short "the Tribunal"), the aforesaid writ petition came to be transferred to the Tribunal and was re-numbered as TA No. 6679/2020 (for short "the Transferred Application")

3. It is urged by the petitioner that he had been prosecuting his case for the last 14 years and for his solitary absence on 07.03.2025, the Transferred Application came to be dismissed by the learned Tribunal on merits.

4. Notice. Mrs. Monika Kohli, Sr. AAG waives notice on behalf of the respondents.

5. We have heard learned counsel for the parties and considered the matter.

6. A perusal of the record reveals that counsel for the official respondents was directed to produce the complete record on 07.03.2025. It appears that on 07.03.2025, none had appeared on behalf of the petitioner and after perusing the record, the Transferred Application of the petitioner was dismissed by the learned Tribunal on merits. The learned Tribunal could have dismissed the application for non-prosecution but has chosen to pass the order on merits in absence of the petitioner.

7. It has been observed in the order impugned before this Court that no certificate was enclosed by the petitioner to support his candidature under ALC category. Learned counsel for the petitioner has drawn our attention to the admit card (Annexure-3) to the writ petition, wherein, in column "documents enclosed" reference has been made to ALC category. It is also evident that the petitioner has been prosecuting his petition for the last 14 years and dismissal of the same, that too on merits, in absence of the petitioner has resulted into denial of fair hearing to the petitioner. Instead of deciding the matter on merits in absence of the petitioner, the Tribunal ought to have simply adjourned the matter to enable the petitioner to examine the record and make submissions accordingly.

8. In view of the above, we are of the considered view that the order impugned dated 07.03.2025 is not sustainable in the eyes of law and the same is, accordingly, quashed. The matter is remanded back to the learned Tribunal for its disposal, afresh under law after affording due opportunity of hearing to the petitioner. Needless to say that we have not expressed any opinion on the merits of the claims of the parties.